

ATTACHMENT 1

Question 9

This Application qualifies for streamlined processing pursuant to Section 63.12(c)(1)(v) of the Commission's Rules. As set forth below, Latin American Nautilus U.S.A. Inc. (LANautilus) agrees to be classified as a dominant carrier with respect to the US-Argentina, US-Austria, US-Brazil, US-Bolivia, US-Cuba, US-Italy routes, without prejudice to its right to petition for reclassification at a later date. Moreover, given that LANautilus's foreign affiliates in San Marino and the Federal Republic of Yugoslavia (Serbia and Montenegro), two non-WTO Member countries, are dominant, LANautilus agrees to not provide international service on the US-San Marino and US-Federal Republic of Yugoslavia (Serbia and Montenegro) routes upon grant of this application. In addition, this application qualifies for streamlined processing pursuant to Section 63.12(c)(1)(ii) of the Commission's Rules, because, as set forth below, LANautilus qualifies for the presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules with respect to its other foreign affiliations.

Questions 11 & 12

LANautilus provides the following information and certifications as required in Section 63.18(i) through (m) of the Commission's Rules, 47 C.F.R. § 63.18(i)-(m):

(i) LANautilus certifies that it is not a foreign carrier within the meaning of 63.09(d) of the Commission's Rules. However, LANautilus is affiliated within the meaning of Section 63.09 (e) of the Commission's Rules with several foreign carriers in the following countries:

Argentina, Austria, Belgium, Brazil, Bolivia, Chile, China, Cuba, El Salvador, France, Germany, Greece, Guatemala, Honduras, Ireland, Israel, Italy, The Netherlands, Paraguay, Perú, Russia, San Marino, Spain, Switzerland, Turkey, the United Kingdom, Venezuela and the Federal Republic of Yugoslavia (Serbia and Montenegro).

(j) LANautilus certifies that it seeks to provide international telecommunications services to all of the countries listed in (i) except San Marino and the Federal Republic of Yugoslavia (Serbia and Montenegro). In each of these countries an entity that owns more than 25 percent of LANautilus also controls a carrier there. The carriers are listed below in response to (k)-(m).

(k)-(m) LANautilus's foreign carrier affiliates listed below are based in countries that are Members of the World Trade Organization, except for the affiliates in China and Russia. In the case of China and Russia, the foreign carrier affiliates control less than 50% of any telecommunications services market and therefore lack market power. As demonstrated below, LANautilus will comply with dominant carrier treatment to those countries in which it is affiliated with a dominant foreign carrier.

Dominant Foreign Affiliates

LANautilus is affiliated with the following dominant foreign carriers:

Argentina:	Telecom Argentina
Austria:	Telekom Austria
Brazil:	Brasil Telecom
Bolivia:	Entel
Cuba:	Empresa de Telecomunicaciones de Cuba
Italy:	Telecom Italia

LANautilus also is affiliated with Intelcom San Marino, the dominant carrier operating in San Marino and Telekom Serbia, the dominant carrier operating in the Federal Republic of Yugoslavia (Serbia and Montenegro). Because Intelcom San Marino and Telekom Serbia are the current incumbents in non-WTO Member countries, LANautilus does not seek to provide international service on the US-San Marino and US-Federal Republic of Yugoslavia (Serbia and Montenegro) routes. However, LANautilus reserves the right to seek such authorization from the Commission in the future.

LANautilus submits that Brasil Telecom is dominant with respect to the local and long distance sector in Southern Brazil. With the exception of Brasil Telecom, the Commission's *List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets*, released June 18, 1999, deems the foreign carriers listed above as dominant foreign carriers. Accordingly, LANautilus agrees to be classified as dominant with respect to the **US-Argentina, US-Austria, US-Brazil, US-Bolivia, US-Cuba and US-Italy** routes, without prejudice to its right to petition for reclassification at a later date. Accordingly, LANautilus will file quarterly traffic reports pursuant to Section 43.61(c) of the Commission's Rules with respect to these routes.

Non-Dominant Foreign Affiliations

With the exception of the US-Argentina, US-Austria, US-Brazil, US-Bolivia, US-Cuba, US-Italy, US-San Marino, US-Federal Republic of Yugoslavia (Serbia and Montenegro) routes, LANautilus submits that it should be classified as non-dominant pursuant to Section 63.10(a)(3) of the Commission's Rules. None of the affiliates identified below are listed on the Commission's *List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets*, released June 18, 1999. In addition, these foreign affiliates are relatively new market entrants offering services in competition with dominant foreign carriers and others. At this time, these LANautilus foreign affiliates each hold significantly less than a 50 percent market share in the international transport and local access markets in the countries where they operate. Moreover, these foreign affiliates do not have the

ability to discriminate against unaffiliated U.S. international carriers through the control of bottleneck services or facilities to exercise market power in the countries where they operate. Accordingly, LANautilus's foreign affiliates lack sufficient market power on these U.S.-international routes to affect competition adversely in the U.S. market. Therefore, with the exception of the US-Italy, US-Argentina, US-Austria, US-Brazil, US-Bolivia, US-Cuba, US-San Marino, US-Federal Republic of Yugoslavia (Serbia and Montenegro) routes, LANautilus should be presumptively classified as non-dominant on all international routes.

LANautilus's non-dominant foreign affiliates listed below are authorized to provide telecommunications services in their respective countries.

COUNTRY	COMPANY
Argentina	Telecom Personal S.A. ¹
Austria	Mobilkom Austria A.G. ¹
Belgium	TI Belgium s.p.r.l.
Bolivia	Datacom S.A.
Brazil	Blucel S.A. ¹
Brazil	Maxitel S.A. ¹
Brazil	Starcel S.A. ¹
Brazil	Telepar Celular S.A. ¹
Brazil	Telesc Celular S.A. ¹
Brazil	CTMR Celular S.A. ¹
Brazil	Telasa Celular S.A. ¹
Brazil	Telpe Celular S.A. ¹
Brazil	Telpa Celular S.A. ¹
Brazil	Telern Celular S.A. ¹
Brazil	Teleceara Celular S.A. ¹
Brazil	Telepisa Celular S.A. ¹
Brazil	Unicel S.A. ¹

¹ The companies defined with the symbol ¹ only own wireless mobile facilities. Pursuant to the Commission's *Streamlining Order*, affiliated carriers that own only wireless mobile facilities may become authorized to provide international service on a non-dominant basis and take advantage of streamlined processing. *In the Matter of 1998 Biennial Regulatory Review – Review of International Common Carrier Regulations*, Report and Order, IB Docket No. 98-118, 14 FCC Rcd. 4909, at ¶ 29 (1999) (“*Streamlining Order*”). See also 47 C.F.R. § 63.12(c)(1)(iii).

Chile	Empresa Nacional de Telecomunicaciones S.A. (“Entel S.A.”)
Chile	Entel Telefonía Local S.A. (“EntelPhone S.A.”)
Chile	Entel Servicios Telefónicos S.A. (“EntelFónica S.A.”)
Chile	Micarrier Telecomunicaciones S.A. (“Micarrier S.A.”)
Chile	Entel PCS Telecomunicaciones S.A. ¹ (“Entel PCS S.A.”)
Chile	Buenaventura S.A.
China	Jilin Huatai Communications Engineering Co Ltd.
China	Tianjin Stet Communications Development Co. Ltd.
El Salvador	Americatel El Salvador S.A. de C.V.
France	9 Telecom Reseau S.A.S.
France	TI France S.A.R.L.
Germany	TI Germany GmbH
Greece	Stet Hellas Telecommunications S.A. ¹
Guatemala	Americatel Guatemala S.A.
Honduras	Americatel Honduras S.A.
Ireland	Mediterranean Nautilus, Ltd.
Israel	MED-1 Submarine Cables Ltd.
Israel	MED-1 I.C.-1 Ltd.
Israel	Golden Lines International Communications Services Ltd.
Italy	Telecom Italia Mobile S.p.A. ¹
Italy	Iridium Italia S.p.A. <u>in liquidation</u>
Italy	Telespazio S.p.A.
The Netherlands	Telecom Italia (Netherlands) B.V.
Paraguay	Nucleo S.A.
Peru	Orbitel Peru S.A.
Peru	TIM Peru, S.A.C. ¹
Russia	Astelit Ltd.
Russia	Marems V&D Service
Spain	Cable I Televisio de Cataluna S.A.
Spain	Netco Redes S.A.

Spain	Retevision S.A.
Spain	Retevision Movil S.A. ¹
Spain	Madritel S.A.
Spain	Euskaltel S.A.
Spain	Supercable de Sivilla S.A.
Spain	Supercable de Andalusia S.A.
Spain	Aragon de cable S.A.
Spain	Cabletelca S.A.
Spain	Supercable de Almeria S.A.
Switzerland	TI (Switzerland) GmbH
Turkey	IS-TIM Telekomunikasyon Hizmetleri A.S. ¹
United Kingdom	TMI Telemedia International Ltd.
United Kingdom	TI United Kingdom Ltd.
Venezuela	Corporacion Digitel C.A.
Venezuela	Orbitel Venezuela C.A.

Question 15

LANautilus has not previously received authority under Section 214 of the Communications Act. LANAutilus is not seeking authority pursuant to Section 63.18(e)(4).